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OFFICE OF PETITIONS

In re Patent of :
Simpson :
Patent No. 6,883,479 :
Issue Date: April 26, 2005 :
Application No. 10/619,693 :
Filing Date: July 15, 2003 :
Attorney Docket No. BW-DKT00047A :

Decision on Petition

This is a decision on the petition under 37 CFR 1.183, filed May 9, 2005 (certificate of mailing date May 5, 2005), to waive the rules and accept the correction of the assignee data on the front page of the above-identified patent. The petition is being treated as a request under 37 CFR 3.81(b) to accept the correction of the assignee data.

The request under 37 CFR 3.81(b) is **granted**.

Effective June 25, 2004, 37 CFR 3.81(b) has been revised to no longer require the correction of the assignee data prior to issuance of the patent. Therefore, a petition to waive the rule is unnecessary. 37 CFR 3.81(b) currently states:

Any request for issuance of an application in the name of the assignee submitted after the date of payment of the issue fee, and any request for a patent to be corrected to state the name of the assignee, must state that the assignment was submitted for recordation as set forth in § 3.11 before issuance of the patent, and must include a request for a certificate of correction under § 1.323 of this chapter (accompanied by the fee set forth in § 1.20(a)) and the processing fee set forth in § 1.17(i) of this chapter.

In other words, the request under 37 CFR 3.81(b) will be granted when:

- (1) a request under 37 CFR 3.81 and the fee set forth in 37 CFR 1.17(i) are filed,
- (2) the assignment was submitted for recordation prior to issuance of the patent, and
- (3) a request for a certificate of correction and the fee set forth in 37 CFR 1.20(a) are submitted.

Petitioner has met the requirements set forth above. Therefore, the request is granted.

Regarding fees, the fee set forth in 37 CFR 1.17(i) is \$130.00. Petitioner was charged \$400.00. Therefore, \$270.00 will be credited to deposit account no. 02-0910.

Certificates of Correction Branch issued the requested Certificate of Correction on August 10, 2005. Therefore, this application will be returned to Files Repository.

Telephone inquiries should be directed to the undersigned at (571) 272-3230.

A handwritten signature in black ink, appearing to read "E. Shirene Willis".

E. Shirene Willis
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